

Minutes of Regular Meeting of October 22, 2013
One Twin Pines Lane, Belmont, CA

CALL TO ORDER 7:35 P.M.

ROLL CALL

COUNCILMEMBERS PRESENT: Lieberman, Feierbach, Warden, Wozniak

COUNCILMEMBERS ABSENT: Braunstein

Staff Present: City Manager Scoles, City Attorney Rennie, Community Development Director de Melo, Parks and Recreation Director Gervais, Police Chief DeSmidt, Information Services Director Mitchell, Public Works Director Oskoui, Finance Director Fil, Assistant Finance Director Lazzari, City Treasurer Violet, City Clerk Cook

PLEDGE OF ALLEGIANCE

Led by Mayor Wozniak

SPECIAL PRESENTATIONS

Red Ribbon Poster Winners

Police Chief DeSmidt provided a history of Red Ribbon Week and presented the poster contest winners with certificates.

PUBLIC COMMENTS AND ANNOUNCEMENTS

Dan Anderson, Belmont resident, made a recommendation to establish 50-foot no smoking buffer near doorways.

Perry Kennan, Belmont resident, spoke regarding the annual financial reports and expressed concern regarding the recent Finance Commission review of the reports.

COUNCIL MEMBER COMMENTS AND ANNOUNCEMENTS

Councilmember Lieberman announced that Councilmember Braunstein had made initial contact with Oracle regarding their property adjacent to the Sports Complex. He noted that Oracle is interested in meeting to discuss this matter.

PUBLIC COMMENTS REGARDING CONSENT CALENDAR

Perry Kennan, Belmont resident, requested clarification regarding the definition of substantial completion as it relates to City Contract Number 2012-514.

City Attorney Rennie clarified that the majority of the work has been completed and there may be minor items to take care of. Public Works Director Oskoui noted that it is a public contract requirement to declare a project substantially complete, and it is the time for subcontractors to advise if they have any outstanding issues.

ITEMS APPROVED ON CONSENT CALENDAR

Minutes of the Special Meetings (Commission Interviews) of September 25, 2013 and October 3, 2013

Resolution 2013-104 of the City Council Accepting Work and Authorization to Issue a Notice of Substantial Completion for the Sanitary Sewer Rehabilitation Project - Pipe Bursting and Open Excavation at Various Locations, City Contract Number 2012-514

Resolution 2013-105 of the City Council Approving Specifications, Authorization to Advertise and Award Purchase Contracts to the Lowest Responsible Bidders for the Acquisition and Outfitting of a New Police Car, Community Service Officer Truck and Parking Enforcement Vehicle for a Total Amount not to Exceed \$106,000

Resolution 2013-106 of the City Council Authorizing the Filing of an Application for the Pavement Management Technical Assistance Program (P-TAP) Round 15 with the Metropolitan Transportation Commission (MTC) for the Total Maximum Amount of \$20,800, and Committing the Necessary Local Match in the Amount of \$4,200

Resolution 2013-107 of the City Council Authorizing the City Manager to Execute All Necessary Documents to Engage PG&E to Perform an Energy Efficiency Investment Grade Energy Assessment (IGA) for an Amount Not to Exceed \$15,000

ACTION: On a motion by Councilmember Warden, seconded by Councilmember Feierbach, the Consent Agenda was unanimously approved by a show of hands (4-0, Braunstein absent).

HEARINGS

Consideration of Planning Commission Recommendation to Adopt an Open Space - Public (OS-P) Zoning District, to Amend the General Plan Designation of City-Owned Properties in the San Juan Hills Area to Open Space and to Rezone those Properties OS-P and Finding of CEQA Categorical Exemption

Community Development Director de Melo outlined the process to designate the City-owned properties in the San Juan Canyon as permanent open space. He explained that six of the eight acres sold on Bishop Road would be similarly designated once those acres are returned to the City. He described the Planning Commission's review and action regarding this matter, and he outlined the actions to be taken by the City Council. He pointed out that a new zoning district, Open Space-Public (OS-P), would be created as part of tonight's actions, and that no residential dwellings would be permitted in this new zoning.

In response to Councilmember Feierbach, Community Development Director de Melo noted that the new zoning district creates consistency between the General Plan and the Zoning Ordinance and is fulfilling the direction of the City Council. He noted that the property will receive protection when it is put to use as a park. He pointed out that the City Council can give direction regarding permitted and conditional uses. He noted that future property acquisitions could be similarly designated.

Discussion ensued regarding permitted uses and the potential for road construction. City Attorney Rennie pointed out that roads are not considered permitted uses in zoning. Community Development Director de Melo clarified that no privately-owned properties would be deemed inaccessible with the rezoning of these parcels.

Mayor Wozniak opened the Public Hearing.

Jeannette Sacco-Belli, Belmont resident, expressed concern regarding permanent protection of this property. She requested clarification regarding the timeline for the parkland designation and pointed out that rezoning to OS-P is only the first step.

Mayor Wozniak clarified that no legislative action is required to designate the property as parkland. She noted that the property needs only to be used as a park.

Michael Schmitz, San Mateo resident, thanked the City Council for taking the necessary steps to protect this property. He recommended that funding be designated to create the parkland.

The Public Hearing was closed.

Councilmember Feierbach stated that she does not support including wireless communication facilities as a conditional use.

Community Development Director de Melo pointed out that there are concerns about locating such facilities in residential neighborhoods. He clarified that as a conditional use, any application for a wireless facility would need to go through the application process.

Parks and Recreation Director Gervais recommended providing options for future needs for this property, including police and fire access as well as trailhead parking.

City Attorney Rennie noted that this new zoning designation, along with its regulations and uses, could be applied elsewhere within the City.

Councilmember Warden suggested that residents begin an initiative process to permanently protect this property. He noted that this new zoning designation is an essential first step. He does not support the addition of any parking or buildings at these properties.

Mayor Wozniak expressed support for the ordinance. She thanked the staff for expediting this matter. She noted that she could support wireless facilities as a conditional use. She expressed concern regarding parking and suggested it be minimal.

ACTION: On a motion by Councilmember Feierbach, seconded by Councilmember Warden, Resolution 2013-108 Amending the General Plan Land Use Designation of City Owned Properties in

the San Juan Canyon Area From Hillside Residential and Open Space (HROP) to Open Space (OS) (PA2013-0036) was unanimously approved by a show of hands (4-0, Braunstein absent).

ACTION: Councilmember Feierbach made a motion to introduce an ordinance rezoning the City-owned Properties in the San Juan Canyon to the newly-designated Open Space zoning and to remove wireless facilities as a conditional use in that zoning district.

In response to Councilmember Warden, City Attorney Rennie clarified that a finding of health and safety for a private utility is not likely applicable.

ACTION: Councilmember Warden seconded Councilmember Feierbach's motion.

In response to Councilmember Lieberman, City Attorney Rennie clarified that should there be a desire to amend the zoning district to allow conditional uses, the same process would be required as tonight's actions. It would require a public hearing by the Planning Commission and the City Council.

Discussion ensued regarding wireless facilities as conditional uses. City Attorney Rennie pointed out that should they be permitted in this zoning district, they would likely need to be located on a public street near other utilities, including power.

ACTION: on the previous motion by Councilmember Feierbach, seconded by Councilmember Warden, and unanimously approved by a show of hands (4-0, Braunstein absent) to introduce an Ordinance Adding the Open Space Public (OS-P) Zoning District, Rezoning City Properties from HRO-1 and HRO-2 to OS-P, and making Conforming Amendments to the Belmont Zoning Ordinance (PA2013-0036).

RECESS: 9:00 P.M.

RECONVENE: 9:10 P.M.

OTHER BUSINESS

Discussion and Direction Regarding Use of Net Proceeds from Sale of Bishop Road Properties

Finance Director Fil described the net proceeds from the sale of City-owned properties on Bishop Road. He pointed out that monies could be set aside for maintenance, improvements, or future land acquisition.

Parks and Recreation Director Gervais stated that the Parks and Recreation Commission could discuss this matter and provide direction regarding how best to put the property to use as a park. He recommended waiting for the Bishop properties to be developed. He stated that a trailhead and kiosk could be installed. He also recommended allocating the monies for maintenance and improvements, as there is likely not enough money for future property acquisition.

Perry Kennan, Belmont resident, expressed support for not spending any money at this time. He recommended trimming the trees at the Vista Point.

City Manager Scoles pointed out that the existing easement on the Bishop Road properties will be relocated after those properties are developed.

Councilmember Feierbach expressed support for using the monies solely in the San Juan area. She also supports allocating money to maintenance or future property acquisition.

Councilmember Warden stated that he would like to explore the horse ranch property offer, and supports using some money to designate the property as parkland. He recommended holding off on any other money allocation or expenditures until the horse ranch offer can be vetted. He recommended forming a subcommittee to discuss the offer.

Council concurred to form a subcommittee to explore the horse ranch property and to set aside monies to begin the park process. Council also concurred to designate Councilmembers Warden and Feierbach as members of the subcommittee.

COMMISSION, COMMITTEE, AND COUNCIL INTERGOVERNMENTAL ASSIGNMENT UPDATES, AND STAFF ITEMS

Resolutions Appointing Commissioners to the Planning, Parks and Recreation, and Finance Commissions

City Clerk Cook noted that a number of applicants had been interviewed for the three vacant commission seats.

Mayor Wozniak proposed extending the term of the youth seat for one additional year and suggested making the term follow the school year rather than calendar year.

Discussion ensued. Council concurred to leave the term as is and to reconsider this matter at a future date.

City Clerk Cook distributed ballots for the youth seat on the Parks and Recreation Commission. Following three rounds of balloting, Alexandra Singer received three votes.

ACTION: On a motion by Mayor Wozniak, seconded by Councilmember Warden, Resolution 2013-109 Appointing Alexandra Singer to a vacant position on the Parks and Recreation Commission (Youth) for a term expiring in March of 2014 was unanimously approved by a show of hands (4-0).

City Clerk Cook distributed ballots for the Planning Commission. Following two rounds of balloting, Douglas Kim received four votes.

ACTION: On a motion by Mayor Wozniak, seconded by Councilmember Warden, Resolution 2013-109 Appointing Douglas Kim to a vacant position on the Planning Commission for a term expiring in March of 2015 was unanimously approved by a show of hands (4-0).

City Clerk Cook distributed ballots for the Finance Commission. Following two rounds of balloting during which a tie was unable to be broken, the Council concurred to table this position until the next meeting when all five councilmembers would be present.

Report from Audit Committee Regarding Annual Financial Report for Fiscal Year Ending June 30, 2013

City Treasurer Violet stated that the audit review function was removed from the list of duties of the Finance Commission several years ago, and a separate Audit Committee was formed. He described the audit process and the review by the committee. He pointed out that the City of Belmont ended the 2012-13 fiscal year in good financial health with over \$6 million in reserves. He noted that the report has been simplified from previous years' reports. He stated that the independent auditor's memo on internal controls did not identify any deficiencies or material weaknesses. He pointed out that the report addresses future GASB (General Accounting Standards Board) provisions relative to pensions, both funded and unfunded. He explained that the report provides an unqualified opinion, which is the highest level to be achieved. He stated that a notation has been made relative to the Department of Finance issue of the former Redevelopment Agency, which is the subject of pending litigation.

In response to Councilmember Warden, City Treasurer Violet clarified that the auditor did not require any closed door discussions with the committee to discuss any concerns. Regarding embezzlements experienced in other districts in the area, City Treasurer Violet pointed out that there are no absolute guarantees. He explained that the auditors utilize a sampling of entries, and that they do not check every entry. He pointed out that a testing of bank reconciliations was more rigorous due to concerns raised.

In response to Councilmember Warden, Finance Director Fil explained that the effort of producing the audit report is spread throughout the year, and is in the thousands of hours. He noted that the City has a robust system of controls.

City Treasurer Violet noted that the filing of the CAFR report is required for the City's outstanding bonds.

Perry Kennan, Belmont resident, commented regarding pension reporting regulations. He pointed out that staff has explained that unfunded pensions are less than 1 percent, but he noted that the former fire department's pensions are well in excess of 1 percent. He noted that the CalPERS pool of unfunded liabilities is growing. He requested that the City Council direct staff to obtain this data from CalPERS.

City Treasurer Violet explained that GASB 37 will provide the framework to obtain more finite information for the future.

MEETING EXTENSION: at this time being, 11:00 p.m. on a motion by Mayor Wozniak, seconded by Councilmember Lieberman, the meeting was not extended on a tie vote of 2-2 (Wozniak and Lieberman yes).

ADJOURNMENT at this time, being 11:00 p.m.

**Terri Cook
City Clerk**

This meeting was tape recorded and videotaped